

CHARLES OLIVIER DUCLOSEL.

[To accompany Bill H. R. No. 260.]

MARCH 2, 1860.

Mr. NOELL, from the Committee on Private Land Claims, made the following

REPORT.

*The Committee on Private Land Claims, to whom was referred a bill entitled "A bill for the relief of Charles Olivier Duclosel, of the parish of St. Martin, Louisiana," have had the same under consideration, and beg leave to report :*

That the tract of land for the confirmation of which the bill provides is part of a Spanish grant or concession to D'Autrive ; that the papers on file do not show a connected chain of title running back to D'Autrive, or his legal representatives ; that they do not extend as far back as the original claimant, and in the chain of title exhibited there is a want of connexion. It appears, however, to the committee, from the evidence of witnesses under oath, that the present claimant and his ancestors have been long in the continued and uninterrupted possession of the land, claiming title to the same. That the title originated before the change of government, and possession under it held during the existence of the Spanish authority over the country. It further appears that the tract was surveyed in 1811 by an United States deputy surveyor for the ancestor of present claimant, but this survey was a private one, without any order from competent authority. So far as the committee have any information on the subject, no adverse claim exists for the land mentioned in the bill. In coming to a conclusion upon the main difficulties connected with this claim, the committee have considered mainly two points : first, the defects and omissions in the chain of title ; and second, the fact that no proof has been made that the settlement was made and held by *permission* of the Spanish government. Upon the first point the committee, for the reason that the Spanish law did not require conveyances of land to be in writing, have concluded that the failure to show that character of title is not a serious objection to the claim, provided the proof shows actual possession. The committee is therefore of opinion that the length and continuity of possession in this case is sufficient, as against any other claimant, to raise the presumption that it originated in a valid purchase from D'Autrive or his representatives, or that he abandoned thus much of his claim and left it open for settlement and occupation

by others. In regard to the permission to settle, although under the regulations of the Spanish government, the committee are of opinion this permission was indispensable to a valid title under that government; yet at this great distance of time the fact of possession for a number of years under the Spanish government ought to be received as evidence that such possession was by permission of the proper authority, particularly in a case where there is no adverse claimant. The bill in this case only provides for a release of such title to the land as now remains in the United States, leaving any other claimant to assert his rights in the courts. And such being the case, the committee are of opinion that the claim ought to be confirmed. They therefore report the bill back without amendment, and recommend its passage.